

*“Injustice anywhere is a threat to justice everywhere.”*

— Martin Luther King, Jr.

The administration of justice is the bedrock of our legal system. Globally, the UK boasts of its jury procedure and independent judiciary as hallmarks of fairness and equality. And yet, there continue to be very real challenges that routinely undermine the application of the rule of law. Twenty-seven years after the murder of Stephen Lawrence, the killing of George Floyd in May 2020 and subsequent revival of the Black Lives Matter Movement has exposed an uncomfortable and unsettling truth: institutional racism still exists, and remains both insidious and pervasive. The string of legal injustices over the last few decades, motivated by race, has revealed how comfortably we operate in a racist system. Racism circumvents efforts to promote parity and equity, as it permeates investigation and decision-making processes and allows biased thinking to infiltrate the criminal justice system.

The key question now is what can the profession do to effectively tackle and overcome racial stratification. How can relationships strengthen where distrust and hostility remain deeply embedded in communities? Without targeted intervention, the chasm between white and minority groups’ access to justice will deepen. Therefore, I propose a three-stage process, through which initiatives to garner trust, build relationships and overcome unconscious bias can take place. This process is to Listen, Learn and Launch.

### Listen

To respond effectively to the expectations and needs of the people who interact with the justice system, we must first listen to these key stakeholders. The first step in the Listening process is to conduct a cultural audit by means of storytelling. The stories of key stakeholders will reveal their varied experiences and give insight into the prevailing culture that exists within the legal system. For example, the anecdotal evidence of racial inequality experienced by Alexandra Wilson, Leon Lynch and Natasha Shotunde provides just a small glimpse into the differential treatment and taxing experiences of Black barristers.

The audit would comprise of anonymous surveys, interviews and closed focus groups involving professionals such as barristers, solicitors, judges, prison governors and court clerks. An analysis of the data collected will draw out the details and nuances of the challenges that

must be addressed, and spark ideas as to how they can be overcome. A heightened understanding of system practices and how they impact the Diversity, Equality and Inclusion (DEI) agenda will support the work of weaning out any issues and behaviours that obstruct the advancement of race equality. This initiative would need to be shaped and led by learning leaders, willing to reduce racial barriers and unify disparate groups.

### Learn

The Listening stage will inevitably show that radical change is an exigency. Pivotal moments such as these invite us to rethink our worldview, reflect on our behaviours and move beyond the realm of complacency. Thus, from the Listening phase we move into the Learning phase. Here, our aim is to raise a consciousness of our inherent racial biases and prejudicial thinking, and understand how they can impact day-to-day decisions.

In the legal sector, training is routinely undertaken, for personal and professional development, to better our thinking and upskill us in areas of weakness. Yet, for some reason, there is often a misguided assumption that once DEI training has been undertaken, one is forever 'woke' to the issues of racial disparity. This is simply not the case. Conducting diverse leadership and unconscious bias training should become commonplace. Regular training on these matters is required to gain a fuller appreciation of how racial discrimination manifests, its implications, and how to overcome one's own conscious and unconscious biases. Our personal development must mirror the necessary adaptations and adjustments required to respond to the evolution of our legal system.

### Launch

Having heard, first-hand, about the challenges faced by the Black, Asian and Minority Ethnic (BAME) community and then learned how to continually check and correct one's own biases, the final stage is to Launch. This is a two prong process: first, community engagement and second, active recruitment.

Community engagement is essential to build trust, raise expectations and create opportunity. Holding talks in schools and community groups about basic legal entitlements and human rights; sponsoring initiatives and programmes targeted at underrepresented groups to enable

them to see the law in action; and providing work experiences opportunities to provide insight into the profession will disarm those who express an initial hostility towards to the legal system, and bring education and understanding about legal protections afforded to individuals.

Secondly active, targeted recruitment will better enable representation within the profession. Developing a comprehensive recruitment strategy to attract a diverse talent pool is essential to effectively navigate an ever-changing legal sector. The following recommendations are made to improve recruitment processes and increase diversity within the profession: CV blind applications, diverse interview panels, career planning support, and future leader schemes to identify upcoming talent and maximise an individual's potential. Only with a raft of targeted measures will we begin to see senior position holders display a multiplicity of views, that in turn, will reflect the diversity of the people the legal system engages with. To truly see the disproportionate BAME representation diminish in the criminal justice system, myriad and purposeful solutions must be adopted to ensure fair outcomes across the sector.

### Concluding Remarks

The world has witnessed how systemic racism continues to hinder minority communities and stifle efforts to promote equality. There remains an inordinate number of BAME individuals in the criminal justice system and BAME legal practitioners are regularly subject to racial discrimination.

For real change to be seen in the UK justice system, a holistic and thorough approach must be adopted to tackle racial inequality. The system must bring innovation and deliberate action to increase parity and uphold the principles of justice and fairness with greater integrity. My three stage proposal – to Listen, Learn and Launch – seeks to address the challenges faced by the system and ensure that its proactive response is not curtailed, but acts as a signpost for lasting change in the legal profession.

**1000 words**